

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE:)
CAMP LEJEUNE WATER LITIGATION) Case No: 7:23-cv-897
)
)
This Document Relates To:)
Merritt v. United States, No. 7:23-cv-1367-D)

RULE 56(d) DECLARATION OF NATHAN BU

I, Nathan Bu, declare pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct under penalty of perjury:

1. I am a Trial Attorney for the United States Department of Justice. I have entered an appearance in this case. The facts set forth in this declaration are within my personal knowledge or based on documents and information that I have received in the course of litigating this case.

2. The records included in the Declaration of John Bash, D.E. 44-1, were not produced to the United States in discovery.

3. The United States does not possess any information provided by Plaintiff Deborah Merritt herself, such as verified interrogatory responses, sworn deposition testimony, or a declaration or affidavit made under penalty of perjury.

4. Further discovery is essential to justify the United States' opposition to Plaintiff's motion for the following reasons:

a. There has been no discovery related to any will directing that Plaintiff should represent Colonel Marsden's estate. Discovery related to Colonel Marsden's will(s), including production of the will itself or deposition testimony from Plaintiff or from Colonel Marsden's surviving spouse, may establish whether Plaintiff is the appropriate claimant.

b. There has been no discovery related to any agreement by Colonel Marsden's surviving spouse waiving any right to represent Colonel Marsden's estate. Discovery related to any agreements between Colonel Marsden and his surviving spouse, including deposition testimony from Plaintiff or from Colonel Marsden's surviving spouse, may establish whether Plaintiff is the appropriate claimant.

5. Although the United States asserts the issue is not material to Plaintiff's motion, further discovery is also essential to justify the United States' opposition to whether Colonel Marsden died of bladder cancer on June 22, 2023. Expert opinion may be required to resolve Colonel Marsden's cause of death and no expert discovery has been conducted.

6. The United States is presently unable to present facts to justify its opposition to these issues because there has been insufficient opportunity for discovery.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: December 7, 2023

/s/Nathan Bu
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